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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jonah Shacknai, et al.

Serial No. 10/022,476

Filed: December 18, 2001

Attorney Docket No.: 00-40175-US-P

Art Unit: 1615

MITOCIDAL COMPOSITIONS AND
METHODS

The Assistant Commissioner
for Patents
Washington, D.C. 20231
Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION

In response to the Office Action mailed on March 14, 2003, please consider the following remarks. Applicant respectfully requests reconsideration and allowance of the application.

AMENDMENTS

What is claimed is:

1. (original) A method for treatment of infestations of cutaneous mites comprising:
applying a composition to skin, wherein the composition comprises sulfur, one or more sulfur derivative and a dermatologically acceptable carrier.
2. (original) The method of claim 1 further comprising washing the composition from the skin.
3. (original) The method of claim 2 further comprising rewashing the composition from the skin.
4. (original) The method of claim 1 wherein the composition comprises a cleanser.
5. (original) The method of claim 1 wherein the composition has a pH of 6.5 to 8.1.
6. (original) The method of claim 1, 2, or 3 wherein the composition has a pH of about 7.0 to about 8.1.

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NOTES: U.S. Serial No.: 10/022,476, Filed December 18, 2001

Inventors: Jonah Shacknai, et al.

Title: MITOCIDAL COMPOSITIONS AND METHODS

Attorney Docket: 00-40175-US-P

Enclosures

Response and Request for Reconsideration (8 pages) with Certificate of Facsimile Transmission 4/10/2003

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7. (original) The method of claim 1, 2, or 3 wherein the composition has a pH of about 7.7 to about 8.1.
8. (original) The method of claim 1, 2, or 3 wherein the composition has a pH of about 7.3 to about 7.7.
9. (original) The method of claims 1, 2 or 3 wherein the composition comprises a cleanser with a pH of 6.5 to 8.1.
10. (original) The method of claim 1 wherein the sulfur derivative comprises one or more cationic sulfur compounds.
11. (original) The method of claim 1 wherein the sulfur derivative comprises one or more of the group consisting of selenium sulfide, potassium sulfide, poly-potassium sulfide, and poly-calcium poly-sulfide; H_2S ; sulfuric acid; bisulfides; sulfur dioxide; thiols; organic salts; sodium sulfacetamide; sulfites; and mercaptans.
12. (original) The method of claim 1 wherein the sulfur derivative comprises sodium sulfacetamide.
13. (original) The method of claims 1, 2, or 3 wherein the composition comprises a cleanser with a pH of 6.5 to 8.1 and wherein the sulfur derivative comprises sodium sulfacetamide.
14. (original) The method of claim 11 wherein the sulfur derivative is present in the range of about 10%.
15. (original) The method of claims 1, 2, or 3 wherein the composition comprises a cleanser with a pH of 6.5 to 8.1 and wherein the sulfur derivative comprises sodium sulfacetamide present in the range of about 10% and wherein the sulfur is present in the range of about 5%.
16. (original) The method of claim 1 wherein the mites are of the genus *Demodex*.
17. (original) The method of claim 1 wherein the carrier comprises an aqueous base.
18. (original) The method of claim 1 wherein the composition comprises a high sorption base.

19. (original) The method of claim 18 wherein the high sorption base comprises one or more of the group consisting of non-swelling clay, gum, swelling clay and silicon.
20. (original) The method of claim 19 wherein the non-swelling clay comprises kaolin.
21. (original) The method of claim 19 wherein the non-swelling clay is present at about 18.00%.
22. (original) The method of claim 19 wherein the gum comprises xanthan gum.
23. (original) The method of claim 19 wherein the gum is present at about 0.30%.
24. (original) The method of claim 19 wherein the swelling clay comprises magnesium aluminum silicate.
25. (original) The method of claim 19 wherein the swelling clay is present at about 1.50%.
26. (original) The method of claim 19 wherein the silicon comprises silicon dioxide.
27. (original) The method of claim 19 wherein the silicon is present at about 5.00%.
28. (original) The method of claim 19 wherein the composition further comprises water.
29. (original) The method of claim 19 wherein the water is present at about 40-50%.
30. (withdrawn)
31. (withdrawn)
32. (withdrawn)
33. (withdrawn)
34. (withdrawn)
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56. (withdrawn)

57. (withdrawn)

58. (original) A method for treatment of infestations of cutaneous mites comprising:

applying a composition to skin, wherein the composition comprises a cleanser comprising about 5% sulfur, about 10% sodium sulfacetamide and a dermatologically acceptable carrier, the composition has a pH of about 6.5 to 8.1;

washing and rewashing the composition from the skin.

59. (withdrawn)

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- 115. (withdrawn)

Restriction Requirement

The Examiner has restricted the claims in this application to three (3) groups. Group I includes claims 1 to 29 and 58, Group II includes claims 30 to 57 and 115, and Group III includes claims 59 to 114.

Applicant elects Group I (claims 1 to 29, and 58). Groups II to III (claims 30 to 57, and claims 59 to 115) are hereby withdrawn without prejudice and without conceding to the Examiner's characterizations, for reasons unrelated to patentability. Applicant reserves the right to prosecute Claims 30 to 57, and Claims 59 to 115 in separate divisional applications.

Species Election

The Examiner has also required the election of a single disclosed "species of composition": cleansers or non-cleansers. In the event that a genus claim is not allowed, Applicant elects non-cleansers, without conceding to the Examiner's characterizations, for reasons unrelated to patentability. In Group I, claims 1, to 3, 5 to 12, 14, and 16 to 29 are readable on this species.

Second, the Examiner has required the election of a single disclosed "species of S compound" in claim 11. In the event that a genus claim is not allowed, Applicant elects sodium sulfacetamide, without conceding to the examiner's characterizations, for reasons

unrelated to patentability. In Group I, claims 1 to 9, 10 to 29, and 58 are readable on this species.

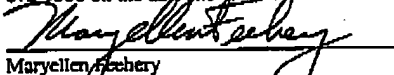
Third, the Examiner has required the election of a single disclosed "species of sorptive." In the event that a genus claim is not allowed, Applicant elects gum, without conceding to the Examiner's characterizations, for reasons unrelated to patentability. In Group I, claims 1 to 19, 22, 23, 28, 29, and 58 are readable on this species.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance.

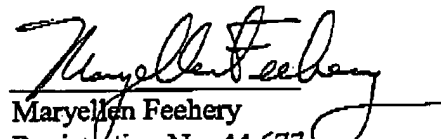
Applicant does not believe any additional fee is required for this Response and Request for Reconsideration, however, in the event any additional fee is required or any overpayment credit is due, the Commissioner is hereby authorized to charge Deposit Account No. 18-0586.

I hereby certify that this paper and the papers referred to herein as being transmitted, submitted, or enclosed herewith in connection with U.S. Serial No. 10/022,476 is/are being facsimile transmitted to the United States Patent and Trademark Office fax number 703 872-9306 on the date shown below.


Maryellen Feehery

April 10, 2003
Date of Facsimile Transmission

Respectfully submitted,


Maryellen Feehery
Registration No. 44,677
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 241-7988

Attorneys for Applicant